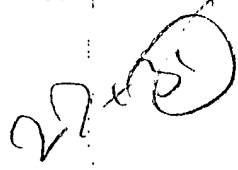


PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: J. Weiss Jr.
)	
Hamilton)	Art Unit: 3761
)	
Serial No.: 10/020,544)	
)	
Filed: 11/29/01)	August 12, 2003
)	Via Facsimile
For: PORTABLE GAS POWERED)	
POSITIVE PRESSURE)	
BREATHING APPARATUS)	Tustin, California
AND METHOD)	

ELECTION OF SPECIES

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-4450



Dear Sir:

In response to the Office Action dated July 24, 2003 applicant elects species I, i.e., claims 1-21 and 35-40 drawn to an improvement of a CPAP device.

Applicant traverses the requirement for restrictions as to claims 41-44 which claims are also drawn to an improvement of a CPAP device. These claims cover the same CPAP apparatus as is called for in claim 1 in a more limited manner. For example, claim 41 calls for a source of pressurized oxygen instead of merely calling for a breathable gas as is spelled out in the preamble of claim 1. Claim 41 also limits the individual's breathing apparatus as referred to in the preamble of claim 1 to a balanced inhalation/exhalation valve. It is respectfully submitted that claim 41 could have been written as a dependent claim of claim 1.

Claims 42-44 are dependent upon claim 41 and include additional limitations. Again these claims could have been dependent upon claim 1.

Applicant therefore request that the Examiner withdraw the requirement for restriction as to claims 41-44 and allow this application proceed to examination as to claims 1-21 and 35-44.

If applicant's attorney can be of any further assistance please call the undersigned at the number provided.

Respectfully submitted,

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